

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SONYA WAYNETT KERLEY	§	
	§	
vs.	§	CIVIL ACTION NO. 6:15cv677
	§	
COMMISSIONER, SOCIAL	§	
SECURITY ADMINISTRATION	§	

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED
STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the decision of the Commissioner be affirmed and that the complaint be dismissed with prejudice. Plaintiff filed written objections on September 23, 2016.

Having made a *de novo* review of the objection filed by Plaintiff, the findings, conclusions and recommendation of the Magistrate Judge are correct and Plaintiff's objection is without merit. There is substantial evidence in the record supporting the Commissioner's decision and the ALJ applied the correct legal standards. In her objection, Plaintiff asserts that the ALJ did not properly account for her fatigue. The ALJ's decision, however, shows that he fully considered Plaintiff's fibromyalgia when finding that it is a severe impairment and when determining Plaintiff's physical residual functional capacity. The ALJ's opinion thoroughly summarized the medical evidence of record, Plaintiff's assertions concerning her limitations, and Plaintiff's activities of daily living. The ALJ explained the weight given to each medical opinion

and applied the correct legal standards. The findings and conclusions of the Magistrate Judge are, therefore, adopted as those of the Court. It is

ORDERED that Plaintiff's objection is **OVERRULED**. The decision of the Commissioner is **AFFIRMED** and this Social Security action is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **28** day of **September, 2016**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge